

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 18, 2001

Regulation Packages 0301-05 and 1000-22

CDSS MANUAL LETTER NO. CCL-01-06

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 8, RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Regulation Package #0301-05**Effective 5/23/01****Sections 87564.3 and 87730**

These regulations make changes to the existing Administrator Certification Program in Residential Care Facilities for the Elderly. Specifically, Sections 87730(h)(1)(A) and (h)(1)(I) provide that the 40 classroom hours in the initial certification training program be redistributed to accommodate the 4 hours which are now required in subjects related to Alzheimer's Disease and other dementias. The proposed regulations change the number of hours required in the initial 40 classroom-hour training from 12 to 8 hours of instruction in laws that impact the operations of Residential Care Facilities for the Elderly. Section 87740(h)(1)(J) specifies that the Core of Knowledge components in the Department's Core of Knowledge Guideline now includes nine components rather than eight.

These regulations were adopted on an emergency basis effective May 23, 2001 and were considered at the Department's public hearing held on July 18, 2001.

Regulation Package #1000-22**Effective 6/1/01****Sections 87222, 97569, 87570, 87575, 87701.5, 87702.1, 87706, and 87724**

This regulation package makes editorial corrections to the Residential Care Facilities for the Elderly regulations. In Section 87575, the insertion of the word "American" before "Red Cross" was added for clarity. In Section 87706, the word "removal" was added for clarity. All other changes involve correcting the numerical references to other regulatory provisions. Since these changes do not have regulatory effect, the California Code of Regulations (CCR) Title 1, Section 100, did not require a public hearing.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-01-05. The latest prior manual letter containing Residential Care Facilities for the Elderly changes was Manual Letter No. CCL-01-04.

<u>Page(s)</u>	<u>Replace(s)</u>
43 and 44	Pages 43 and 44
81.1 through 81.4	Pages 81.1 through 81.4
87 through 90	Pages 87 through 90
95 and 96	Pages 95 and 96
130 and 131	Pages 130 and 131
133 and 134	Pages 133 and 134
137 and 138	Pages 137 and 138
147 and 147.1	Pages 147 and 147.1
148 through 149.1	Pages 148 through 149.1

Attachment

JTP

87220 FIRE CLEARANCE**87220**

- (a) All facilities shall maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal. Prior to accepting any of the following types of persons, the applicant or licensee shall notify the licensing agency and obtain an appropriate fire clearance, approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal, through the licensing agency:

- (1) Persons over 65 years of age.
- (2) Nonambulatory persons.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.2, 1569.30 and 1569.312, Health and Safety Code.

87222 PLAN OF OPERATION**87222**

- (a) Each facility shall have and maintain a current, written definitive plan of operation. The plan and related materials shall be on file in the facility and shall be submitted to the licensing agency with the license application. Any significant changes in the plan of operation which would affect the services to residents shall be submitted to the licensing agency for approval. The plan and related materials shall contain the following:

- (1) Statement of purposes and program goals.
- (2) A copy of the Admission Agreement, containing basic and optional services.
- (3) Statement of admission policies and procedures regarding acceptance of persons for services.
- (4) Administrative organization.
- (5) Staffing plan, qualifications and duties.
- (6) Plan for training of staff, as required by Section 87565(c).

87222 PLAN OF OPERATION (Continued)**87222**

- (7) A sketch of the building(s) to be occupied, including a floor plan which describes the capacities of the buildings for the uses intended, a designation of the rooms to be used for nonambulatory residents, and a sketch of the grounds showing buildings, driveways, fences, storage areas, pools, gardens, recreation area and other space used by the residents. All sketches shall show dimensions.
- (8) Transportation arrangements for persons served who do not have independent arrangements.
- (9) A statement whether or not the applicant will handle residents' money and/or valuables. If money and/or valuables will be handled, the method for safeguarding pursuant to Sections 87225, 87226 and 87227.
- (10) A statement of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code Section 1569.313.

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- (A) Section 1569.313 of the Health and Safety Code provides that:

This policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

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NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.15, 1569.157, 1569.175, 1569.2, 1569.30, 1569.31, 1569.312 and 1569.313, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

87564.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued) 87564.2

- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1569.17 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1569.17(g)(1).
- (d) It shall be unlawful for any person not certified under this section to hold himself or herself out as a certified administrator. Any person willfully making any false representation as being a certified administrator is guilty of a misdemeanor.
- (e) Certificates issued under this section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.
- (f) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
 - (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two (2) years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (g) Time deadlines specified in Sections 87564.2(b)(2) and (3) may be extended for good cause as determined by the Department. Any request for an extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend a time deadline.

NOTE: Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.
Reference: Sections 1569.17, 1569.171, 1569.23, 1569.30, 1569.315, 1569.613, and 1569.616, Health and Safety Code.

87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS 87564.3

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during each two (2)-year certification period.
 - (1) Administrators who renew their administrator certification on or after January 1, 2003, shall submit proof of having completed at least eight (8) hours of the 40 hour continuing education requirement in subjects related to serving residents with Alzheimer's Disease and other dementias, including, but not limited to, instruction related to direct care, physical environment, and admissions procedures and assessment.

87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87564.3

- (A) This instruction may be taken as a single eight (8)-hour class or in smaller increments that total at least eight (8) hours within each two (2)-year renewal period.
- (2) Courses provided by vendors approved by the Department, or
- (3) Accredited educational institutions offering courses that are consistent with the requirements of this section, or

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- (A) Examples of accredited educational institutions are community colleges and state colleges.

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- (4) Courses offered by vendors approved by other California State agencies provided that:
 - (A) The approval and enforcement procedures of the state agency are comparable to the approval and enforcement procedures of the Department, and
 - (B) The course relates to the Core of Knowledge as specified in Sections 87730(h)(1)(A) through (I).

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- (C) Prior to taking a course from one of the entities specified in Sections 87564.3(a)(2) or (3), the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Sections 87730(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.
- (D) Examples of other California State agencies that meet the requirements specified in Section 84064.3(a)(3) are the Department of Developmental Services, Department of Rehabilitation, Board of Behavioral Science Examiners and Board of Psychology.

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- (b) Continuing education hours must be related to the Core of Knowledge and be completed through any combination of the following:

87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87564.3

- (c) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable.
- (d) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit:
- (1) A written request to recertify post-marked on or before the certificate expiration date.
 - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 87564.3(a).
 - (3) Payment of a one hundred dollar (\$100) processing fee.

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87564.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS (Continued) 87564.3

- (e) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit:
- (1) A written request to recertify.
 - (2) Evidence of completion of the required continuing education hours as specified in Section 87564.3(a). The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if they had remained certified. The date of computation shall be the date the written request for recertification is received by the Department.
 - (3) Payment of a delinquency fee equal to three times the renewal fee, or three hundred dollars (\$300).
- (f) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date shall complete an Initial Certification Training Program as specified in Section 87564.2(b).
- (g) Certificate holders who possess a valid Nursing Home Administrator license shall be required to complete only twenty (20) of the required forty (40) hours of continuing education.
- (h) Certificate holders, as a condition of recertification, shall have a current criminal record clearance.
- (i) A processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (j) A certificate holder shall report any change of mailing address within thirty (30) days of the change to the Department's administrator certification section.
- (k) Whenever a certified administrator assumes or relinquishes responsibility for administering a residential care facility for the elderly, he or she shall provide written notice, within thirty (30) days, to:
- (1) The licensing District Office responsible for receiving information regarding personnel changes at the licensed facility with whom the certificate holder is or was associated, and
 - (2) The Department's administrator certification section.

NOTE: Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code. Reference: Sections 1569.17, 1569.171, 1569.613 and 1569.616, Health and Safety Code.

87564.4 DENIAL OR REVOCATION OF A CERTIFICATE**87564.4**

- (a) The Department may deny or revoke any administrator certificate for violation of licensing regulations or for any of the following grounds:
- (1) The certificate holder procured a certificate by fraud or misrepresentation.
 - (2) The certificate holder knowingly made or gave a false statement or information in conjunction with the application for a certificate.
 - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
 - (A) The certificate holder did not appeal the exclusion order, or
 - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
 - (4) The certificate holder does not have a current criminal record clearance.
 - (5) The certificate holder fails to comply with certificate renewal requirements.
 - (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.
 - (6) The certificate holder engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1569.51.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code Section 1569.16.

87568 **ADMISSION AGREEMENTS** (Continued)

87568

(10) Other conditions under which the agreement may be terminated.

- (d) If additional services are available through the facility to be purchased by the residents, such as cosmetology, and these are not specified in the admission agreement, a list of these services and charges shall be posted in a location accessible to residents.
- (e) Such agreements shall be dated and signed, acknowledging the contents of the document, by the resident and the resident's responsible person or conservator and the licensee or the licensee's designated representative no later than seven days following admission. Attachments to the agreement may be utilized as long as they are also dated and signed.
- (f) The licensee shall retain in the resident's file the original of the initial admission agreement and all subsequent modifications.
 - (1) The licensee shall provide a copy of the current admission agreement to the resident and the resident's responsible person or conservator, if any.
- (g) The licensee shall comply with all terms and conditions set forth in the admission agreement. No written or oral contract with any other person shall release the licensee from responsibility for provision of safe and healthful facilities, equipment, and accommodations.
- (h) The agreement shall be automatically terminated by the death of the resident, whose relatives shall not be liable for any payment beyond that due at the date of death, unless agreed to in writing or ordered by the court.
- (i) No licensee shall enter into any life care contract with any person without approval by the Department in accordance with Chapter 10 of these regulations.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.159, 1569.2, 1569.30, 1569.31, 1569.312, 1569.313, 1569.54, and 1770 et seq., Health and Safety Code.

87569 MEDICAL ASSESSMENT**87569**

- (a) Prior to a person's acceptance as a resident, the licensee shall obtain and keep on file, documentation of a medical assessment, signed by a physician, made within the last year. The licensee shall be permitted to use the form LIC 602 (Rev. 9/89), Physician's Report, to obtain the medical assessment.
- (b) The medical assessment shall include, but not be limited to:
 - (1) A physical examination of the resident indicating the physician's primary diagnosis and secondary diagnosis, if any and results of an examination for communicable tuberculosis, other contagious/infectious diseases or other medical conditions which would preclude care of the person by the facility.
 - (2) Documentation of prior medical services and history and current medical status including, but not limited to height, weight, and blood pressure.
 - (3) A record of current prescribed medications, and an indication of whether the medication should be centrally stored, pursuant to Section 87575(h)(1).
 - (4) Identification of physical limitations of the person to determine his/her capability to participate in the programs provided by the licensee, including any medically necessary diet limitations.
 - (5) A determination of the person's ambulatory status as defined by Section 87101a.(4), and bedridden status, as defined in Section 87582(d).
 - (6) Information applicable to the pre-admission appraisal specified in Section 87583.
- (c) The licensee shall obtain an updated medical assessment when required by the Department.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, 1569.312, 1569.315, and 1569.54, Health and Safety Code.

87570 RESIDENT RECORDS**87570**

- (a) A separate record shall be maintained for each resident. Such record shall be current and complete and shall be maintained in the facility or in a central administrative location readily available to facility staff and to Department staff.
- (b) Each record shall contain at least the following information:
 - (1) Resident's name and Social Security number.
 - (2) Dates of admission and discharge.
 - (3) Last known address.
 - (4) Birthdate.
 - (5) Religious preference, if any, and name and address of clergyman or religious advisor, if any.
 - (6) Names, addresses, and telephone numbers of responsible persons, defined by Section 87101r.(3), to be notified in case of accident, death, or other emergency.
 - (7) Name, address and telephone number of physician and dentist to be called in an emergency.
 - (8) Reports of the medical assessment specified in Section 87569, and of any special problems or precautions.
 - (9) The documentation required by Section 87702.1(a) for residents with an allowable health condition.
 - (10) The documentation required by Section 87716(h) for terminally ill residents receiving hospice care.
 - (11) Ambulatory status.
 - (12) Continuing record of any illness, injury, or medical or dental care, when it impacts the resident's ability to function or the services he needs.
 - (13) Current centrally stored medications as specified in Section 87575.
 - (14) The admission agreement and pre-admission appraisal, specified in Sections 87568 and 87583.
 - (15) Records of resident's cash resources as specified in Section 87227.

87570 RESIDENT RECORDS (Continued)**87570**

- (c) All information and records obtained from or regarding residents shall be confidential.
 - (1) The licensee shall be responsible for storing active and inactive records and for safeguarding the confidentiality of their contents. The licensee and all employees shall reveal or make available confidential information only upon the resident's written consent or that of his designated representative.
- (d) Original records or photographic reproductions shall be retained for a minimum of three (3) years following termination of service to the resident.
- (e) All resident records shall be open to inspection and audit, by the licensing agency or Department and shall be subject to reproduction upon demand, at a reasonable cost, during normal business hours.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, 1569.312, 1569.315, 1569.32, 1569.54, and 1569.73, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

87571 REGISTER OF RESIDENTS**87571**

- (a) In all licensed facilities, the following shall apply:
 - (1) A current register of all residents in the facility shall be maintained; shall be updated as needed; shall be immediately available to licensing staff upon request; and shall contain the following information:
 - (A) Resident's name and ambulatory status as specified in Sections 87570(b)(1) and (9).
 - (B) Information on resident's attending physician, as specified in Section 87570(b)(7).
 - (C) Information on the resident's responsible person, as specified in Section 87570(b)(6).
 - (2) The register shall be kept in a central location at the facility.
 - (A) The register shall be treated as confidential information pursuant to Section 87570(c).

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Section 1569.315, Health and Safety Code.

87575 INCIDENTAL MEDICAL AND DENTAL CARE (Continued)**87575**

- (3) The name, address and telephone number of each emergency agency to be called in the event of an emergency, including but not limited to the fire department, crisis center or paramedical unit or medical resource, shall be posted in a location visible to both staff and residents.
- (4) The name and telephone number of an ambulance service shall be readily available.
- (5) Staff providing care shall receive appropriate training in first aid from persons qualified by such agencies as the American Red Cross.

87575 INCIDENTAL MEDICAL AND DENTAL CARE (Continued)**87575**

- (g) The licensee shall immediately telephone 9-1-1 if an injury or other circumstance has resulted in an imminent threat to a resident's health including, but not limited to, an apparent life-threatening medical crisis except as specified in Sections 87575.1(b)(2) or (b)(3).
- (h) The following requirements shall apply to medications which are centrally stored:
- (1) Medications shall be centrally stored under the following circumstances:
 - (A) The preservation of medicines requires refrigeration, if the resident has no private refrigerator.
 - (B) Any medication is determined by the physician to be hazardous if kept in the personal possession of the person for whom it was prescribed.
 - (C) Because of potential dangers related to the medication itself, or due to physical arrangements in the facility and the condition or the habits of other persons in the facility, the medications are determined by either a physician, the administrator, or Department to be a safety hazard to others.
 - (2) Centrally stored medicines shall be kept in a safe and locked place that is not accessible to persons other than employees responsible for the supervision of the centrally stored medication.
 - (3) Each container shall carry all of the information specified in (6)(A) through (E) below plus expiration date and number of refills.
 - (4) All centrally stored medications shall be labeled and maintained in compliance with state and federal laws. No persons other than the dispensing pharmacist shall alter a prescription label.
 - (5) Each resident's medication shall be stored in its originally received container. No medications shall be transferred between containers.
 - (6) The licensee shall be responsible for assuring that a record of centrally stored prescription medications for each resident is maintained for at least one year and includes:
 - (A) The name of the resident for whom prescribed.
 - (B) The name of the prescribing physician.
 - (C) The drug name, strength and quantity.

**87701.5 RESIDENT REQUEST FOR REVIEW OF HEALTH CONDITION
RELOCATION ORDER****87701.5**

- (a) A resident, or the resident's responsible person, if any, shall be permitted to request a review and determination of the Department's health condition relocation order by the interdisciplinary team.
 - (1) If the resident has no responsible person, as defined in Section 87101, the Long-Term Care Ombudsman and/or the resident's representative payee, if any, shall be permitted to submit a request for review and determination on behalf of the resident.
- (b) The resident, or the resident's responsible person, if any, shall have three (3) working days, from receipt of the relocation order, to submit to the licensee a written, signed and dated request for a review and determination by the interdisciplinary team.
 - (1) For purposes of this section, a working day is any day except Saturday, Sunday or an official state holiday.
- (c) The licensee shall mail or deliver such a request to the Department within two (2) working days of receipt.
 - (1) Failure or refusal to do so may be subject to civil penalties, as provided in Section 87454.
- (d) The Department shall give written notification to the resident, or the resident's responsible person, if any, acknowledging receipt of the resident's request for review of the relocation order. Notification shall occur within three (3) working days of receipt by the Department of the request for review.
- (e) Within ten (10) working days from the date of the resident's review request, the licensee shall submit to the Department the documentation specified in Section 87701.5(g) to complete the resident's review request.
- (f) The licensee shall cooperate with the resident, or the resident's responsible person, if any, in gathering the documentation to complete the resident's review request.
- (g) The documentation to complete the resident's review request shall include, but not be limited to, the following:
 - (1) The reason(s) for disagreeing that the resident has the health condition identified in the relocation order and why the resident believes he/she may legally continue to reside in a residential care facility for the elderly.

**87701.5 RESIDENT REQUEST FOR REVIEW OF HEALTH CONDITION
RELOCATION ORDER (Continued)****87701.5**

- (2) A current medical assessment signed by the resident's physician.
 - (A) For purposes of this section, this assessment shall include the information specified in Sections 87702.1(a)(1)(A) through (E).
 - (B) For purposes of this section, "current" shall mean a medical assessment completed on or after the date of the relocation order.
- (3) An appraisal or reappraisal of the resident as specified in Sections 87583(c)(1) and 87587.
 - (A) The licensee shall be permitted to use the form LIC 603 (Rev. 6/87), Preplacement Appraisal Information, to document the appraisal or reappraisal.
- (4) A written statement from a placement agency, if any, currently involved with the resident, addressing the relocation order.
- (h) The Department shall inform the resident and/or the resident's responsible person, if any, in writing, of the interdisciplinary team's determination and the reason for that determination not more than 30 days after the resident or his/her responsible person, if any, is notified of the need to relocate.
- (i) The resident's right to a review of a health condition relocation order issued by the Department shall not:
 - (1) Nullify a determination by the Department that the resident must be relocated in order to protect the resident's health and safety as specified in Section 87701.1(a).
 - (2) Apply to eviction under Section 87589.
 - (3) Imply a right to a state hearing or any other administrative review beyond that set forth in this section.
 - (4) Apply if the facility license has been temporarily suspended as specified in Section 87342(c).

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.30 and 1569.54, Health and Safety Code.

87702.1 GENERAL REQUIREMENTS FOR ALLOWABLE HEALTH CONDITIONS**87702.1**

- (a) The licensee shall complete and maintain a current, written record of care for each resident that includes, but is not limited to, the following:
 - (1) Documentation from the physician of the following:
 - (A) Stability of the medical condition(s);
 - (B) Medical condition(s) which require incidental medical services;
 - (C) Method of intervention;
 - (D) Resident's ability to perform the procedure; and
 - (E) An appropriately skilled professional shall be identified who will perform the procedure if the resident needs assistance.
 - (2) The name, address and telephone number of vendors and appropriately skilled professionals providing services.
 - (3) Emergency contacts.
- (b) In addition to Section 87565(c), facility staff shall have knowledge and the ability to recognize and respond to problems and shall contact the physician, appropriately skilled professional, and/or vendor as necessary.
- (c) In addition to Sections 87587 and 87591, the licensee shall monitor the ability of the resident to provide self care for the allowable health condition and document any change in that ability.
- (d) In addition to Sections 87575(a) and 87590(d) the licensee shall ensure that the resident is cared for in accordance with the physician's orders and that the resident's medical needs are met.
- (e) The duty established by this section does not infringe on the right of a resident to receive or reject medical care or services as allowed in Section 87572(a)(16).

NOTE: Authority cited: Section 1569.30(a), Health and Safety Code. Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

87703 OXYGEN ADMINISTRATION**87703**

- (a) The licensee shall be permitted to accept or retain a resident who requires the use of oxygen administration under the following circumstances:
- (1) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.
- OR
- (2) If intermittent administration of oxygen by an appropriately skilled professional has been approved by the licensing agency.
- (b) In addition to Section 87702.1, the licensee shall be responsible for the following:
- (1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.
 - (2) Ensuring that oxygen administration is provided by an appropriately skilled professional should the resident require assistance.
 - (3) Ensuring that the use of oxygen equipment meets the following requirements:
 - (A) A report shall be made in writing to the local fire jurisdiction that oxygen is in use at the facility.
 - (B) "No Smoking-Oxygen in Use" signs shall be posted in the appropriate areas.
 - (C) Smoking shall be prohibited where oxygen is in use.
 - (D) All electrical equipment shall be checked for defects which may cause sparks.
 - (E) Oxygen tanks shall be secured in a stand or to the wall.
 - (F) Under no circumstances shall an extension to the standard seven (7) foot plastic tubing from the nasal canula or mask to the main source of oxygen be permitted.
 - (G) Oxygen from a portable source shall be used by residents when they are outside of their rooms.

87705	COLOSTOMY/ILEOSTOMY (Continued)	87705
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- (B) There shall be written documentation by the professional outlining instruction of the procedure and the names of facility staff receiving instruction.
- (C) The professional shall review the procedures and techniques no less than twice a month.
- (2) Ensuring that used bags are discarded as specified in Section 87691(f)(1).
- (3) Privacy shall be afforded when ostomy care is provided.

NOTE: Authority cited: Section 1569.30(a), Health and Safety Code. Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

87706	ENEMA AND/OR SUPPOSITORY AND FECAL IMPACTION REMOVAL	87706
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- (a) The licensee shall be permitted to accept or retain a resident who requires manual fecal impaction removal, enemas, or use of suppositories under the following circumstances:
 - (1) Self care by the resident.
 - (2) Manual fecal impaction **removal**, enemas, and/or suppositories shall be permitted if administered according to physician's orders by either the resident or an appropriately skilled professional.
- (b) In addition to Section 87702.1, the licensee shall be responsible for the following:
 - (1) Ensuring that the administration of enemas or suppositories or manual fecal impaction removal is performed by an appropriately skilled professional should the resident require assistance.
 - (2) Privacy shall be afforded when care is being provided.

NOTE: Authority cited: Section 1569.30(a), Health and Safety Code. Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

87707 INDWELLING URINARY CATHETER/CATHETER PROCEDURE**87707**

- (a) The licensee shall be permitted to **accept** or retain a resident who requires the use of an indwelling catheter under the following circumstances:
- (1) If the resident is physically and mentally capable of caring for all aspects of the condition except insertion and irrigation.
 - (A) Irrigation shall only be performed by an appropriately skilled professional in accordance with the physician's orders.
 - (B) A catheter shall only be inserted and removed by an appropriately skilled professional under physician's orders.
- (b) In addition to Section 87702.1, **the licensee shall be responsible for** the following:
- (1) Ensuring that insertion and irrigation of the catheter **shall be** performed by an appropriately skilled professional.
 - (2) Ensuring that bag and tubing are changed by an appropriately skilled professional should the resident require assistance.
 - (A) **When an exception is granted by the licensing agency as specified in Section 87721, the bag may be emptied by facility staff who receive supervision and instruction from the appropriately skilled professional.**
 - (B) **There shall be written documentation by the appropriately skilled professional outlining the instruction of the procedures to facility staff.**
 - (3) Ensuring that waste materials **shall be** disposed of as specified in Section 87691(f)(1).
 - (4) **Privacy shall be** maintained when care is provided.

NOTE: Authority cited: Section 1569.30(a); Health and Safety Code. Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

87724 CARE OF PERSONS WITH DEMENTIA**87724**

(a) Licensees who accept and retain residents with dementia shall be responsible for the following:

- (1) Ensuring that, in addition to Section 87565, staffing is adequate to provide supervision for residents with dementia while meeting the needs of all facility residents.
 - (A) In addition to Section 87581, a facility with fewer than 16 residents shall have at least one night staff person awake and on duty if any resident with dementia is determined through a preadmission appraisal, reappraisal or observation to require awake night supervision.
- (2) Ensuring that the facility has a nonambulatory fire clearance pursuant to Section 87220 for each room which will be used to accommodate a resident with dementia who meets the definition of a nonambulatory person as specified in Section 87101n.(2) and Health and Safety Code Section 13131.
- (3) Ensuring that the facility has a written plan of operation which in addition to Section 87222 addresses the needs of residents with dementia.
- (4) Ensuring that facility staff are trained in the areas specified in Section 87565(c), and in dementia care, identifying and reporting resident abuse and neglect, and the behavioral effects of medications on residents with dementia.
- (5) Ensuring that in addition to Section 87691 safety of the physical plant shall include, but not be limited to, the following:
 - (A) Ranges, heaters, wood stoves, inserts, and other heating devices are made inaccessible.
 - (B) Swimming pools and other bodies of water are fenced.
 - (C) Knives, matches, firearms, tools and other items that could constitute a danger to the residents are stored where they are inaccessible to the residents.
 - (D) Over-the-counter medication in addition to the medications specified in Section 87575 and all toxic substances such as plants and cigarettes are made inaccessible.
 - (E) Yards shall be completely fenced, with self-closing latches and gates.
 - (F) Exterior doors shall include an operational bell/buzzer or other auditory devices to alert staff when the door is opened.
 - (G) The furniture and the equipment shall be safe.

87724 CARE OF PERSONS WITH DEMENTIA (Continued)**87724**

- (6) Ensuring that the documents and information in Sections 87569 through 87570 and 87583 through 87588 are on file at the facility.
 - (A) Each resident with dementia shall have an annual medical assessment and an annual reappraisal, both of which shall include a reassessment of the resident=s dementia care needs.
 - (B) When any medical assessment, appraisal, or observation indicates that the resident=s dementia care needs have changed, corresponding changes shall be made in the care and supervision provided to that resident, or the resident shall be relocated to another facility or to another residence appropriate for that resident=s current needs.
- (7) Ensuring the development of a disaster and mass casualty plan which meets the requirements in Section 87223 and addresses the safety of residents with dementia.
- (b) Without the prior approval of the Department, the licensee may accept and retain residents with dementia who meet the definition in Section 87101(a)(4) of an ambulatory person as determined by a physician pursuant to Section 87569(b)(5).
- (c) With the prior approval of the Department pursuant to Section 87116, the licensee may accept and retain residents with dementia who do not meet the definition in Section 87101(a)(4) of an ambulatory person as determined by a physician pursuant to Section 87569(b)(5).
 - (1) With each exception or waiver request the licensee shall submit all of the following:
 - (A) The completed documents and information in Section 87724(a)(6);
 - (B) A plan of operation as specified in Section 87724(a)(3);
 - (C) A training plan as specified in Section 87724(a)(4);
 - (D) An activity program which addresses the needs and limitations of residents with dementia, includes large motor activities, and includes perceptual and sensory stimulation;
 - (E) Resident assessment and reassessment procedures which conform to Sections 87724(a)(6)(A) and (B);
 - (F) Procedures to notify the resident=s physician, family members who have requested notification, and conservator, if any, when a resident's behavior or condition changes;

Article 9. Administrator Certification Training Programs**87730 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS****87730**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants for licensure or administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department using the forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury and contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each component.
 - (4) Qualifications of each proposed instructor as specified in Section 87730(i)(6).
 - (5) Geographic areas in which the Training Program will be offered.
 - (6) Types of records to be maintained, as required by Section 87730(i)(4).
 - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the facility number.
 - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 87730(b)(7) and (8).
 - (10) A processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department using the forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 87730(b).

**87730 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****87730**

- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
 - (1) A minimum of forty (40) classroom hours with the following Core of Knowledge curriculum:
 - (A) **Eight (8)** hours of instruction in laws, including residents' personal rights, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.
 - (B) Three (3) hours of instruction in business operations.
 - (C) Three (3) hours of instruction in management and supervision of staff.
 - (D) Five (5) hours of instruction in the psychosocial needs of the elderly.
 - (E) Five (5) hours of instruction in the physical needs of the elderly.
 - (F) Two (2) hours of instruction in the use of community and support services to meet residents' needs.
 - (G) Five (5) hours of instruction in the use, misuse and interaction of drugs commonly used by the elderly.
 - (H) Five (5) hours of instruction on admission, retention, and assessment procedures.

**87730 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****87730**

- (I) Four (4) hours of instruction in the care of residents with Alzheimer's Disease and other dementias.

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- (J) Topics within the basic curriculum may include, but not be limited to, topics as specified in the Department's Core of Knowledge Guideline for each of the nine (9) Core of Knowledge components specified in Sections 87730(h)(1)(A) through (I). The guideline is available from the Department upon request.
- (K) Core of Knowledge information is derived from a variety of sources governing the operation of licensed residential care facilities for the elderly, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 87100 et. seq.

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- (2) A standardized test administered by the Department.
- (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
- (B) The test questions shall reflect the hour value of the nine (9) Core of Knowledge areas specified in Sections 87730(h)(1)(A) through (I).

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